

The Myers et al. application is not prior art to the present invention. In particular, attached hereto is a declaration of the sole inventor, Avi Freedman, pursuant to 37 CFR 1.131. This declaration establishes that the subject invention was conceived and reduced to practice in this country at least as early as November 22, 2000.¹ Supporting documentation is attached to the Freedman declaration. Accordingly, because Myers et al. is not prior art, no pending claim is subject to any sustainable (i.e. prima facie) case of obviousness.²

These claims are in condition for allowance. Respectfully, the Office is reminded of the prohibition on piecemeal examination set forth in MPEP §707.07(g). There have now been three (3) separate rejections of these claims, yet none of these rejections has been sustainable as a factual or legal matter. It is time that these claims are allowed. Thus, a notice to that effect is respectfully requested.

Respectfully submitted,

By:


David H. Judson

ATTORNEYS FOR APPLICANT

¹ Some of the exhibits to Mr. Freedman's declaration include a URL at the bottom together with the date "8/22/2006." This reflects the date the document was re-printed for purposes of being submitted with this paper, not its creation date. The creation date is shown in the last printed line in the document itself.

² The undersigned does not concede that the Examiner's interpretation of either Myers et al. or Halme is correct; nevertheless, because at least Myers et al. is not prior art (and no prima facie case of obviousness has been established), these arguments are not presented at this time. The Applicant reserves the right to address these issues if necessary later.